

III. Remarks

A. Status of the Application

Claims 1-4, 9 and 16-29 are currently pending in this application. Reconsideration of the pending claims is respectfully requested in light of the following remarks.

B. Claim Objections

Claim 3 is objected to due to the letter "g" between the words "storing" and "fluid". Claim 3 is amended herein to correct this typographical error.

C. Rejections under 35 U.S.C. § 102

Claims 1 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,411,180 (hereinafter "Dumelle"). Applicants respectfully traverse this rejection in light of the following remarks.

The Final Office Action states that "Dumelle shows a pumping system as seen in Figs. 2 and 3, having a source of fluid 14 ... [and an] actuator 150 [that] allows adjustment of the pressure manually and releases excess pressurized fluid external of the fluid source, see Fig. 7 and column 4, lines 14-35." Applicants respectfully traverse this characterization of Dumelle. The cited portion of Dumelle explicitly states that "pressure relief regulator assembly 150 ... includes a valve stem 151 for ... **permitting fluid to flow** from passage 52 into passage 153 and through passage 159 **for return to the reservoir 14.**" (Dumelle, col. 4, lines 16-24, emphasis added.) That same cited portion of Dumelle goes on to reiterate that "Spring 155 may be adjusted for different release pressure levels ... to **permit fluid to bleed back to reservoir 14.**" (Dumelle, col. 4, lines 29-33, emphasis added.)

In contrast, Claim 1 recites a "manually operable actuator selectively releasing pressure on said fluid within a conduit **by releasing at least a portion of said fluid** out of the conduit and **external to the fluid source.**" (Emphasis added.) Similarly, Claim 19 recites a "manually operable actuator ... [that] selectively releases pressure on said fluid within the connecting tube **by releasing at least a portion of said fluid out of the connecting tube and external to the fluid reservoir.**" (Emphasis added.) Even assuming, arguendo, that the adjustable pressure

relief regulator 150 of Dumelle can be considered a "manually operable actuator", Dumelle clearly does not teach or suggest "releasing at least a portion of said fluid ... external to the fluid source" as recited by Claims 1 and 19.

Thus, for at least the above reasons, Claims 1 and 19 are allowable over Dumelle under 35 U.S.C. §102(b). Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1 and 19.

C. Rejections under 35 U.S.C. § 103

Claims 2-4, 9, 21-26, 28, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dumelle in view of U.S. Patent No. 4,723,479 (hereinafter "Gallentine"). However, Gallentine, which is cited by the Final Office Action for allegedly teaching "a flexible conduit 264 connecting the pressurizing mechanism 252 with the viscous fluid container 267 and an air bleeder 104", does not remedy the above-described deficiencies of Dumelle with respect to Claims 1 and 19. Thus, a prima facie case of obviousness is clearly not met with respect to Claims 2-4 and 9 (which depend from Claim 1).

Claim 21 recites a "pressure release mechanism connected to said distal end of said housing means for selectively relieving pressure from said fluid in said conduit by **releasing at least a portion of said fluid out of the conduit and external to the fluid source.**" (Emphasis added.) As noted above with respect to Claims 1 and 19, Dumelle does not teach or suggest this limitation, and this deficiency of Dumelle is not cured by Gallentine. Thus, a prima facie case of obviousness is clearly not met with respect to Claim 21 and dependent Claims 22-26, 28, and 29.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 2-4, 9, 21-26, 28, and 29.

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dumelle as modified by Gallentine, and further in view of U.S. Patent No. 4,240,887 (hereinafter "Dardik"). However, Claims 17 and 18 depend from Claim 1, and just as Gallentine does not cure the above-described deficiencies of Dumelle, neither does Dardik cure said deficiencies of Dumelle. Thus, a prima facie case of obviousness is clearly not met with respect to Claims 17 and 18.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 17 and 18.

D. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter in Claim 27. Accordingly, in light of the above remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

IV. Conclusion

In view of the foregoing remarks, all of the claims currently pending in this application are in a condition for allowance. A telephone interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application. To that end, the Examiner is invited to contact the undersigned at 408-548-3929.

The Final Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Final Office Action.

Respectfully submitted,

/John M. Kubodera, Reg. #45984/

John M. Kubodera
Registration No. 45,984

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Medtronic Spinal and Biologics
2600 Sofamor Danek Drive
Memphis, TN 38132
Telephone: (901) 396-3133
Facsimile: (901) 399-3040